REMARKS/ARGUMENTS

This filing is in response to the Office Action mailed December 6. 2006. The previously pending claims have been cancelled <u>without prejudice</u> and new claims 39-42 are here presented which more sharply define the invention. The cancellation of any previously presented claim is not an admission that such previous claim was not patentable, nor waiver or estoppel. but has been made to define the claimed invention in a manner suited to advance prosecution of this case.

A.   Overview of the Invention

Applicant believes that an overview of the invention will be helpful to the Examiner in understanding the invention in relation to the prior art. During the course of establishing http connections between a client and a server. the http "request/response model" provides for clients to make http requests seeking content resources and servers to come back with http responses. A server response may include content like an html page. as well as tokens (e.g.. cookies) that are used by the client for authentication. tailoring content provided in response to future requests, and the like.

A good description of cookies is provided at Wikipedia at //en.wikipedia.org/wiki/HTTP cookie (accessed on February 14. 2007):

> HTTP cookies, sometimes known as web cookies or just cookies. are parcels of text sent by a sever to a web browser and then sent back unchanged by the browser each time it accesses that server. HTTP cookies are used for authenticating. tracking. and maintaining specific information about users, such as site preferences and the contents of their electronic shopping carts.

As described in the Applicant's specification in the Background of the Invention section. there are fast cookies and slow cookies. Some slow cookies. such as those that are cryptographically generated. may take a relatively significant amount of time for the server to generate and transmit to the client in a server response message. If the transmission of content (e.g.. html content, graphics. etc.) is delayed pending receipt of such slow cookies by the client. this can considerably slow down the rendering of content at the client.

The invention addresses this problem by permitting delayed or asynchronous delivery of slow cookies so that initial web page generation and display can take place at the client while still awaiting the slow cookies. The invention provides for this by having the server check client "clear gif" requests (request including a clear gif link) to see whether they include the slow

cookie, thus confirming receipt of the slow cookie by the client. If the server determines the client's clear gif request reflects receipt of the slow cookie, the server simply responds with a clear gif response with no slow cookie. If the server determines the client's clear gif request does not reflect receipt of the slow cookie, the server will attempt to retrieve and deliver the slow cookie to the client in a server clear gif response that includes the slow cookie that the client needs.

B.   The New Claims Comply with the Written Description Requirement of 35 U. S. C. 112(1)

At page 3 of the Office Action , it is asserted that "no portion of the specification can be located that deal with including a token [cookie] in the request from the client to the server."

Applicant hopes that the overview provided illustrates how the client clear gif request can include a slow cookie. Wikipedia, in fact, indicates that cookies can be transmitted form clients to servers in http requests.

For specific support, the present Application published on December 25, 2003 as US 2003/0236862 amply supports this feature at [0044]-[0046] (pages 2-3):

> [0044] ***Referring to FIG. 3, an example of these techniques begins at step 302, with client 102 sending a <u>connection request</u> to server 104. <u>the request including the "clear gif" link.</u> This connection request can be the same connection request illustrated at step 216, or it can be another connection request.
> [0045] At step 304, server 104 receives the connection request to the "clear gif" link.
> [0046] At step 306, server 104 <u>checks the connection request to see if it **includes the "slow" GET ACCESS cookie.**</u>

Thus, **[0046]** specifically states that the "connection request" includes the slow GET ACCESS cookie. Accordingly, the specification discloses a token [cookie] in the request from the client to the server.

The 'token within the request' feature is also clearly supported in [0009] of the specification which states:

> "sending a request <u>from a client to a server.</u> determining whether the request <u>includes a token,</u> and if the token is not included in the request, determining whether the token is available to send to the client, wherein the token was created responsive to an earlier request from the client to the server."

C. **Upon Allowance, a Terminal Disclaimer will be filed to Overcome the Provisional Double Patenting Rejection**

As set forth below in Section E. the new claims are patentable over Applicant's U. S. Pat. No. Ser. No. 10/064,118 (now U.S. patent 7,143,174). If the Examiner does not withdraw the provisional double patenting rejection. then upon an indication of otherwise allowable claims in this application, Applicants will promptly file a Terminal Disclaimer compliant with the 37 CFR. § 1.321 and thereby eliminate any such issue.

D. **The Claims are Not Anticipated by Ballard, U. S. Patent 6,449,765**

In the Office Action, the now-cancelled claims were rejected under 35 U.S.C. § 102(e) as anticipated by Ballard, U. S. Patent 6,449,765.

However, to cite one important feature of the claims. Ballard does not disclose or suggest the client sending "a connection request from the client to the server system, said request including a clear gif link . . . [and] . . . an indicia evidencing client receipt of the slow cookie . . . or . . . not including an indicia evidencing client receipt of the slow cookie."

In the Office Action, Ballard at Col. 9. lines 19-43 was cited as the sole source for the rejection. That passage states:

> Once the end user becomes a participating end user, the function of the content variable hyperlink 82 varies in some cases according to the status of the participating web page resource 74 accessed. Upon access to a participating web page resource 74 web page content is downloaded to the end user computer for display. During loading the label is retrieved to be displayed for the content-variable hyperlink 82. To do so, the prescribed retrieval URL 78 is accessed. An executable program runs in response to such access. In a preferred embodiment such executable program is located at a resource **other than the end user computer.** Referring to FIG. 9, at step 92. the executable program attempts to find the referral web page start page 'cookie' on the end user computer 20. If not present, it is assumed at step 94 that the end user is a nonparticipating end user. At step 96, the label to offer the end user to sign up and become a participating end user is loaded to the end user computer for display.

> If the referral web site start page 'cookie' is found. then the content is retrieved at step 98. The URL address for the privileged domain start page (e.g., also stored on the end user computer 20), also is retrieved. At step 100, the URL address of the participating web page 74 for which content is being loaded (i.e., the currently loading web page) is compared to the referral web site domain and start page, and to the privileged web site domain and start page. [line 43]

Accordingly, Ballard does not disclose or suggest "sending a connection request from the client to the server system, said request including a clear gif link. Nor does Ballard teach sending

such a client request including indicia as to whether the slow cookie was received by the client. For example, Ballard does not disclose the client sending a request including a slow cookie.

The claims of this Application are now more clearly directed to the important and novel method and system for enabling a computer system to operate more efficiently by enabling a client to access a website via so-called fast cookies and, thereafter, permitting other ("slow") cookies, such as GET ACCESS cookies, to be delivered asynchronously as they become available. See [0007] of this Application. Ballard is not directed to this problem, so it is not surprising that Ballard does not remotely disclose or suggest the presently claimed invention.

Ballard also fails to teach or suggest the conditional limitations in the claimed invention wherein (1) the server responds to the client request with a clear gif response without a slow cookie if the client request indicated the cookie was already received, and (2) the server responds to the client request with a clear gif response and a slow cookie if the client request indicated the cookie had not yet been received. These features are not remotely suggested by Ballard.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. In addition, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In this case, as discussed in detail above, the Office Action has failed to show that the reference discloses each and every claim limitation recited by Applicants.

Accordingly, since Ballard fails to teach substantive features of the new claims, it cannot anticipate them under 35 U.S.C. § 102. Further, Applicant submits that the claims are nonobvious over Ballard because that reference does not suggest the claimed invention, nor is there any objective motivation for radically modifying Ballard to arrive at the claimed invention.

E.   The Amended Claims are Patentably Distinct from Applicants' U. S. Patent 7,143,174.

There are numerous reasons why the present claims are patentably distinct from Applicants' '174 Patent including:

- The claims are directed to features of Figure 3 of the present Application and the written description relating thereto and the '174 does not include either that drawing or related description.
- The '174 Patent does not disclose the client sending a cookie with a link in the client request.

- The independent claims of the '174 Patent (and thus all dependent claims thereof) are expressly directed to a method, medium and programmed computer wherein there is a determination of time in the performance of the operations. No such feature is recited in the newly amended claims.
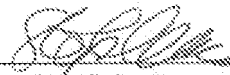
CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

The Director is hereby authorized to charge the RCE fee and any other fees deemed necessary to Applicant's Deposit Account No. 50-0206.

Respectfully submitted,

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